

REMARKS

At the time of the Decision on Appeal dated August 27, 2010, the Honorable Board reversed the Examiner's rejection and entered a new ground of rejection, pursuant to 37 C.F.R. § 41.50(b). In response, Applicants elect to reopen prosecution, pursuant to 37 C.F.R. § 41.50(b)(1). At the time of the Decision, claims 1-20 were pending in this application.

CLAIMS 1-7 ARE REJECTED UNDER 35 U.S.C. § 101

On pages 4-7 of the Decision, the Honorable Board asserted that the claimed invention, as recited in claims 1-7, fails to meet the requirements of 35 U.S.C. § 101. This rejection is respectfully traversed.

Claim 1

Although Applicants respectfully disagree with the Honorable Board's assertion that claim 1 is directed to non-statutory subject matter, claim 1 has been amended to recite "a computer hardware system," which is clearly a machine. The "computer hardware system" receives identification of a group of persons to invite, evaluates the received group to identify one or more invitees there from, and receives an indication from the one or more invitees that the invitee wishes to join the community. Thus, claim 1, as a whole, is directed to statutory subject matter within the meaning of 35 U.S.C. § 101.

Applicants, therefore, respectfully submit that the imposed rejection of claims 1-7 under 35 U.S.C. § 101 is not viable, and hence, Applicants solicit withdrawal thereof.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-2158, and please credit any excess fees to such deposit account.

Date: October 27, 2010

Respectfully submitted,

/Steven M. Greenberg/

Steven M. Greenberg,
Registration No. 44,725

Adam C. Underwood
Registration No. 45,169

Tel: (561) 922-3845

Facsimile: (561) 244-1062

Customer Number 46321